

SENATE BILL REPORT

HB 1676

As of March 27, 2017

Title: An act relating to crimes involving a dog guide or service animal.

Brief Description: Concerning crimes involving a dog guide or service animal.

Sponsors: Representatives Sullivan, Hansen, Goodman, Rodne, Shea, Ortiz-Self and Tarleton.

Brief History: Passed House: 2/28/17, 89-9.

Committee Activity: Law & Justice: 3/23/17.

Brief Summary of Bill

- Revises the definitions of guide dog and service animal to include those in training.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Melissa Burke-Cain (786-7755)

Background: A person commits a misdemeanor offense when the person interferes, intimidates, obstructs, or otherwise jeopardizes the use of a guide dog or service animal after receiving notice that their behavior is interfering with the guide dog or service animal's use and the person continues, with reckless disregard, interfering with the use of a dog guide or service animal, risking: (1) the safety of the dog guide or service animal user; or (2) the safety of the dog guide or service animal. A subsequent offense is a gross misdemeanor. It is also a misdemeanor offense for a person, with reckless disregard, to allow their dog to interfere with the use of a dog guide or service animal. A subsequent offense is a gross misdemeanor.

A person commits a misdemeanor offense when, with reckless disregard, the person allows their dog to injure, disable, or cause the death of a dog guide or service animal. It is a gross misdemeanor offense when a person, with reckless disregard, injures, disables, or causes the death of a dog guide or service animal.

A person commits an unranked Class C felony when the person intentionally injures, disables, or causes the death of a dog guide or service animal. A person commits theft in the

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first degree when the person wrongfully obtains or exerts unauthorized control over a dog guide or service animal, intending to deprive the dog guide's or service animal's owner of use of the animal. First degree theft is a Class B felony.

When a person is convicted of any of the above crimes, the person must make full restitution for all damages, including incidental and consequential expenses incurred by the dog guide or service animal user and the dog guide or service animal which arise out of, or are related to, the criminal offense. Restitution includes, but is not limited to: (1) the value of the replacement of an incapacitated or deceased dog guide or service animal; (2) the value of training a replacement dog guide or service animal; (3) the value of retraining the affected dog guide or service animal and all related veterinary and care expenses; (4) medical expenses of the dog guide or service animal user; (5) the value of training of the dog guide or service animal user; and (6) compensation for wages or earned income lost by the dog guide or service animal user. The criminal penalties and restitution do not affect any civil remedies available for these violations.

For the purposes of these crimes, the following definitions apply:

1. Dog guide means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.
2. Service animal means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.
3. Notice means a verbal or otherwise communicated warning prescribing the behavior of another person and a request that the person stop their behavior.
4. Value means the value to the dog guide or service animal user and does not refer to cost or fair market value.

Summary of Bill: The definition of dog guide is expanded to include a dog that is trained or in training. The definition of service animal is expanded to include an animal that is trained or in training.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: None.

Persons Testifying: No one.

Persons Signed In To Testify But Not Testifying: No one.